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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,922	10/23/2003	Peyman Oreizy	MSFT-2827 / 305859.01	1615

41505 7590 01/18/2007
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EXAMINER

HUSSAIN, TAUQIR

ART UNIT	PAPER NUMBER
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2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/691,922

Applicant(s)

OREIZY ET AL.

Examiner

Tauqir Hussain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/23/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/13/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26 are pending in this application.

Claim Objections

2. Claim 1,4,5 recites the limitation "the first computer object" in line 6 of claim1, "the first copy" in line 2 of claim 4 and line 1 of claim 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 16 and 17, recites, "a computer-readable medium bearing computer readable instruction" in line 1, describes a signal per se. The claimed invention is directed to non-statutory subject matter, see page 13, lines 7-14 of specification.

5. Claims 18-20, recites, a data structure without producing any tangible results. The claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 112

6. Claim 18, recite, "second portion indicative of a communications session number in a messaging system". The term session number is vague and indefinite since it has not been defined or explicitly mentioned in the specification or in any embodiments.

7. Claim 20, recite, "text portion comprises the term "nway"". The term "nway" is vague and indefinite since it has not been defined or distinctly mentioned in the specification or in any embodiments. However, examiner considers it as denial or non acceptance for examining purposes.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-26, are rejected under 35 U.S.C. 102(e) as being anticipated by Harvey et al (US 6,519,629 B2), herein after "Harvey".

9. As to claim 1, Harvey discloses, a method for collaboratively executing an application, comprising:

establishing a communication from a first computing object to an intermediary system wherein the intermediary multicasts messages among the first computer and a plurality of other computing objects in communication with the intermediary (Col.13, lines 14-17;

transmitting a message indicative of an invitation to collaboratively execute an application from the first computing object to the intermediary system whereby the message is multicast to the other ones of the plurality of computing objects (Col. 13, lines 20-21);

receiving a message indicative of acceptance at the first computing object from at least one of the other ones of the plurality of computing objects (Co.13, lines 28-29;

launching a first application (Col.13, lines 28-29.

10. As to claim 2, Harvey discloses, the method of claim 1 wherein the message indicative of an invitation comprises the term "invite" (Col.13, lines 19-20).

11. As to claim 3, Harvey discloses, the method wherein the first computing object is executing on a first computer and wherein the other ones of the computing objects is executing on at least one other computer (Col. 27, lines 42-49, where controller is the first computer and user is the second computer and Col.27, lines 57-58).

12. As to claim 4, Harvey discloses, the method further comprising registering the first copy of the application with the first computing object (Col. 27, lines 42-49, where downloading means registering the application).

13. As to claim 5, Harvey discloses, the method as recited in claim 1 wherein the first copy of the application and the first object are executable on a first computer (Col.27, lines 25-28, where controller is the first computer and controls the application).

14. As to claim 6, Harvey discloses, the method further comprising transmitting a message from the first computer indicative of connection-specific information to the at least on other ones of the plurality of computing objects (Col.6, lines 43-46).

15. As to claim 7, Harvey discloses, the method wherein the connection-specific information comprises an internet protocol address (Col.6, lines 1-3, where persistent connection is HTTP connection).

16. As to claim 8, Harvey discloses, the method further comprising launching a second application on a second computer (Col.27, lines 32-34, where user is a second computer).

17. As to claim 9, Harvey discloses, the method wherein the second application and the first application comprise compatible functions (Col.27, lines 32-34, where user has downloaded the application from the first computer/controller meaning they will be playing the same game).

18. As to claim 10, Harvey discloses, the method wherein the second application is the same application as the first application (Col.27, lines 32-34, where user has downloaded the application from the first computer/controller and Col.27, lines 57-58 they both engaged in playing same game).

19. As to claim 11, Harvey discloses, the method further comprising transmitting a second message to another computing object that joined the communication with the intermediary (Col.25, lines 60-66), the second message indicative of an invitation to collaboratively execute the application (Col.25, lines 67 and Col.26, lines 1-2).

20. As to claim 12, Harvey discloses, the method wherein the another computing object joined the communication with the intermediary after the first message was transmitted (Col.28, lines 33-40, where potential user has joined the intermediary/controller after the first game is over which was initiated right after the first invitation).

21. As to claim 13, Harvey discloses, the method wherein the transmission of the second message is by one of the plurality of computing objects (Col.28, lines 33-40, where one of the ex-player sends an invitation to potential user through controller).

22. As to claim 14, Harvey discloses, the method wherein the act of launching the first application comprises transmitting a parameter indicative of an identifier of a

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process of the first application (Col.4, lines 65-67, where invitation is sent along with the instructions how to execute the application).

23. As to claim 15, Harvey discloses, the method wherein the act of launching the first application further comprises receiving a pointer to a session of which the first application is associated (Col.5, lines 1-7).

24. As to claim 16, Harvey discloses, a computer-readable medium bearing computer readable instructions for carrying out the acts (Col. 30, lines 31-34).

25. As to claim 17, Harvey discloses, a computer-readable medium bearing computer readable instructions for carrying out the acts (Col. 30, lines 31-34).

26. As to claim 18, a protocol for collaborative application execution, comprising:
a message indicative of an invitation to join a multiparty application, said message comprising a first portion indicative of the invitation (Col.4, lines 54-57 and a second portion indicative of a communications session number in a messaging system wherein the message is processed as a request to join a multiparty application session (Col.4, lines 57-60 and Col.19, lines 1-2 and Col.20, lines 1-3, where session controller keeps information for each associated application objects associated with each session).

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27. As to claim 19, Harvey discloses, the protocol wherein the first portion comprises the term "invite" (Col.13, lines 19-20).

28. As to claim 20, Harvey discloses, the protocol wherein the text portion comprises the term "nway" (Col.26, lines 51-53, where user gets denied).

29. As to claim 21, Harvey discloses, a system for collaborative application execution, comprising:

a first computer comprising a intermediary computer readable instructions for multicasting communication among a plurality of computing objects (Col.13, lines 14-17);

at least one of the plurality of computing object in communication with the intermediary computer-readable instructions and comprising a plurality of computer-readable instructions for real-time communication with other computing objects by way of the intermediary computer-readable instructions (Col.13, lines 20-21 and Col.18, lines 22-25); and

at least one of the plurality of computing objects comprising computer readable instructions for inviting computing objects to collaboratively execute a computer application by way of the intermediary computer-readable instructions (Col.13, lines 25-26).

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30. As to claim 22, Harvey discloses, the system wherein the first computer comprises a roster of users that have communicated their presence through a computing object to the intermediary instructions (Col.7, lines 1-5).

31. As to claim 23, Harvey discloses, the system wherein the first computer maintains a session indicative of users that have joined in a real-time communication (Col.18, lines 22-25).

32. As to claim 24, Harvey discloses, the system further comprises an application session that maintains a roster of users that are collaboratively executing an application (Col.27, lines 49-57).

33. As to claim 25, Harvey discloses, the system where each user causes a copy of the application to be executed on a separate computer from each other user (Col.27, lines 42-48).

34. As to claim 26, Harvey discloses, an instant messaging service comprising the intermediary computer-readable instructions (Col.18, lines 36-39).

Conclusion

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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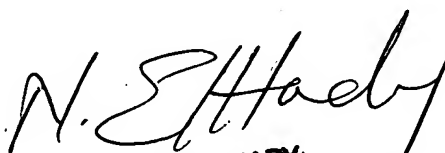
36. Low et al. (Patent No.: US 6996605 B2) discloses, website establishes a respective communication session for each of at least selected web pages and joins to the session any party currently viewing the page.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-272-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El Hady can be reached on 571 272 3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH


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SUPERVISORY PATENT EXAMINER